
DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINERAL MINING

COMMUNICATION MEMORANDUM NO. 1-98

REFERENCE: 4 VAC 25-40-50—Duties of Mine Operators:

Reporting of accidents and injuries by the operator:

1. Report any accident involving serious personal injury or death to any person on mine property. The report shall be made to the division by the quickest available means, and the scene of the accident shall not be disturbed until the division conducts an investigation. For accidents where the injured person is transported to a hospital, but confinement **is not** expected, the operator may either preserve the scene, or collect relevant physical data and photographs as specified by the division. The division shall be notified immediately upon learning that the injured person has been admitted to the hospital for medical treatment. Head injuries that result in loss of consciousness at the site shall be reported immediately.
2. Keep on file a report of all accidents and occupational injuries occurring on the mine property for review by the division mine inspector. Such records shall be kept for five years.

INQUIRY: What specific physical data should be collected by the operator to comply with 4 VAC 25-40-50?

REVIEW: The Safety & Health Regulations for Mineral Mining, 1998 allow the mine operator to continue operating in an area where an accident has occurred if the accident was not fatal or is not anticipated to be classified as a "serious personal injury" as defined in the Virginia Mineral Mine Safety Act. In such cases, the operator assumes the responsibility to collect physical evidence and photographs in case the accident later results in a fatality or a serious personal injury.

INQUIRY

RESPONSE: In order to comply with Regulation 4 VAC 25-40-50, the operator or his agent is to collect the following information regarding an accident where hospitalization **is not** anticipated and the Division of Mineral Mining is not contacted. If the operator or his agent cannot collect this information, then he must contact the Division of Mineral Mining by the quickest available means to determine what relevant data and photos are to be collected.

- The date and time of the accident;
- The name, address, and telephone number of the injured person;
- Polaroid or 35 mm pictures of the accident site and equipment involved. Pictures should be documented with date, time name or photographer, and brief description of the photo taken;
- Any physical evidence which may be relevant to the accident;
- Identification of any equipment involved in the accident, including serial and model numbers, maintenance & inspection records;

- Accurate measurement of the accident scene and a scale drawing where such documentation would assist in the evaluation of the accident;
- Documentation that equipment or machinery involved in the accident has been reinspected after the accident by a competent person and documented by the certified foreman before being put back into service;
- List of witnesses with addresses and telephone numbers; and
- Name, address and telephone number of the employer if other than the licensed mine operator.